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TREASURE ISLAND, LLC, LINDA KANATA
6 and RICHARD AMALFITANO

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10
11 PAMELYA M. ANDERSON,
12 Plaintiff,

13 vs.

14 THE MIRAGE CASINO HOTEL, a Nevada
Corporation; TREASURE ISLAND, LLC, a
15 Nevada Limited Liability Company; LINDA
KANATA, an individual; and RICHARD
16 AMALFITANO, an individual; Doe
Individuals 1-10 and Roe Entities 1-10,

17 Defendants.
18

Case No. 2:11-cv-01278-GMN-RJJ

**DEFENDANTS' REQUEST TO
EXCUSE INDIVIDUALLY-NAMED
DEFENDANTS FROM ATTENDANCE
AT ENE SESSION**

19 COME NOW Defendants Treasure Island, LLC, Linda Kanata, and Richard Amalfitano, by
20 and through their counsel, Littler Mendelson, and hereby request the Court to allow individual
21 Defendants Linda Kanata and Richard Amalfitano to be excused from attending the ENE session
22 scheduled for October 21, 2007.

23 Plaintiff's only claim brought against Defendants Kanata and Amalfitano is the Eleventh
24 Cause of Action alleging a claim for Intentional Infliction of Emotional Distress. Defendants filed a
25 Partial Motion to Dismiss on August 15, 2011, seeking dismissal with prejudice the Intentional
26 Infliction of Emotional Distress claim (as well as additional causes of action). The IIED claim is
27 clearly barred by the statute of limitations and will not survive dismissal. Defendants' Motion to
28 Dismiss is fully briefed for the Court, but has not been ruled on as of October 11, 2011.

1 Based on the fact that the IIED claim is barred by the statute of limitations, it is defendant
2 Treasure Island's position that it not necessary to inconvenience Defendants Kanata and Amalfitano
3 by requiring their attendance at the ENE conference. Further, Defendant Treasure Island's corporate
4 representative will be personally present at the ENE conference and will have settlement authority to
5 settle the action on behalf of the individually-named defendants as well as Treasure Island.
6 Accordingly, Defendants respectfully request that Defendants Kanata and Amalfitano be excused
7 from attendance at the ENE.

8 Dated: October 11, 2011

Respectfully submitted,

Arthur Lueke

**BRUCE C. YOUNG, ESQ.
AITHYNI K. RUCKER, ESQ.
LITTLER MENDELSON**

Attorneys for Defendants

IT IS SO ORDERED this 17th day
of October, 2011.

Peggy A. Leen
United States Magistrate Judge

PROOF OF SERVICE

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the within action. My business address is 3960 Howard Hughes Parkway, Suite 300, Las Vegas, Nevada 89169. On October 11, 2011, I served the within document(s):

**DEFENDANTS' REQUEST TO EXCUSE INDIVIDUALLY-NAMED DEFENDANTS
FROM ATTENDANCE AT ENE SESSION**

By CM/ECF Filing – Pursuant to FRCP 5(b)(3) and LR 5-4, the above-referenced document was electronically filed and served upon the parties listed below through the Court’s Case Management and Electronic Case Filing (CM/ECF) system:

Dan M. Winder, Esq.
3507 W. Charleston Blvd.
Las Vegas, NV 89102

I am readily familiar with the firm's practice of collection and processing correspondence for mailing and for shipping via overnight delivery service. Under that practice it would be deposited with the U.S. Postal Service or if an overnight delivery service shipment, deposited in an overnight delivery service pick-up box or office on the same day with postage or fees thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 11, 2011, at Las Vegas, Nevada.

Kimberly Gregos

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